



## UNITED STATES PATENT AND TRADEMARK OFFICE

O P E J C S  
MAY 13 2004  
U.S. PATENT & TRADEMARK OFFICE  
DEPARTMENT OF COMMERCE

Page 1 of 2

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/667,141	09/18/2003	Mario H. Skiadopoulos	2303-44-3

## CONFIRMATION NO. 7197

00996  
GRAYBEAL, JACKSON, HALEY LLP  
155 - 108TH AVENUE NE  
SUITE 350  
BELLEVUE, WA 98004-5901

## FORMALITIES LETTER



\*OC000000011790945\*

Date Mailed: 01/29/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/14/2004 MBLANCO 00000005 10667141

01 FC:1001                    770.00 DP  
02 FC:1201                    344.00 DP  
03 FC:1202                    2016.00 DP  
04 FC:1051                    130.00 DP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$4932** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$5832** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$4932**
- **\$4932** for 274 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

O I P E  
MAY 13 2004  
JC

PTO/SB/17 (08-03)

Approved for use through 07/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 3,260.00)

Complete if Known	
Application Number	10/667,141
Filing Date	September 18, 2003
First Named Inventor	Mario H. Skiadopoulos
Examiner Name	
Art Unit	1775
Attorney Docket No.	2303-44-3

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number

Deposit Account Name

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any deficiency fee(s) of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity
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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	770.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)  (\$ 0)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	132	-20 **	= 112	X 18 = 2,016
Independent Claims	7	-3 **	= 4	X 86 = 344
Multiple Dependent			X 0	= 0

Large Entity	Small Entity
--------------	--------------

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)  (\$ 3,130.00)

\*\*or number previously paid, if greater, For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity	Small Entity
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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	130
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,300	2453	650	Petition to revive – unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)  (\$ 130)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
Signature		Date

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mario H. SKiadopoulos et al.

Serial No.: 10/667,141

Filing Date: September 18, 2003

Title: Recovery of Recombinant Human Parainfluenza Virus Type 2 (HPIV2) From cDNA and Use of Recombinant HPIV2 in Immunogenic Compositions and as Vectors to Elicit Immune Responses Against PIV and Other Human Pathogens

Attorney Docket No.: 2303-44-3

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Mail Stop MISSING PARTS, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, on this 29th day of April, 2004.

  
Signature

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

TO THE COMMISSIONER FOR PATENTS:

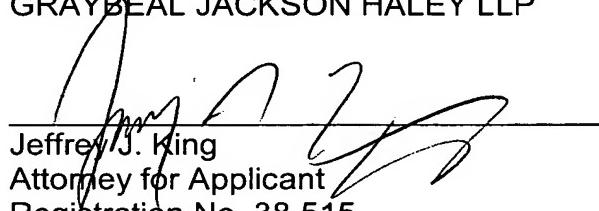
In response to the Notice to File Missing Parts of Application dated January 29, 2004, Applicant submits:

- 1. An executed Combined Declaration and Power of Attorney in the above identified U.S. patent application.
- 2. An Amendment and Response to Notice of Missing Parts
- 3. A copy of the NOTICE TO FILE MISSING PARTS OF APPLICATION.
- 4. Fee Transmittal and Check No. 22092 in the amount of 3,260.00 for filing and surcharge fees.

- 5. Sequence Listing with disk
- 6. Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825
- 7. Petition for One Month Extension and Check No. 22093 in the amount of \$110.
- 8. Please charge any deficiency fees or credit any overpayment to Deposit Account No. 07-1897.
- 9. Return postcard

Respectfully submitted,

GRAYDEAL JACKSON HALEY LLP

  
Jeffrey J. King  
Attorney for Applicant  
Registration No. 38,515  
155 - 108th Avenue NE, Ste. 350  
Bellevue, WA 98004  
(425) 455-5575

Dated: April 29, 2004

DOCKET NO. : 2303-44-3



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

Mario H. Skiadopoulos  
Brian R. Murphy, and  
Peter L. Collins

**Confirmation No.:** 7197

**Serial No.:** 10/667,141

**Group Art Unit:** 1775

**Filing Date:** September 18, 2003

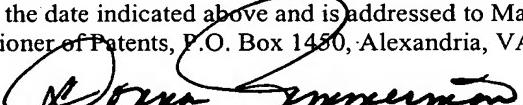
**Examiner:** yet to be assigned

**For:** Recovery of Recombinant Human Parainfluenza Virus Type 2 (HPIV2) From cDNA and Use of Recombinant HPIV2 in Immunogenic Compositions and as Vectors to Elicit Immune Responses Against PIV and Other Human Pathogens

**CERTIFICATE OF MAILING**

Date of Deposit: April 29, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR, Section 1.10 on the date indicated above and is addressed to Mail Stop: Missing Parts, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by

  
\_\_\_\_\_  
Donna Zimmerman

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO NOTICE OF MISSING PARTS  
PURSUANT TO 37 CFR § 1.53(b)**

Sir:

In response to the Notice of Missing Parts dated January 29, 2004, please incorporate the enclosed Sequence Listing and associated documents, and amend the above-identified application as follows. A Petition for Extension of the response period for one (1) month, from March 29, 2004 to April 29, 2004, and the appropriate fee are submitted herewith.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 7 of this paper.

**Remarks/Arguments** begin on page 23 of this paper.